

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD STROHMETZ,

Defendant.

Case No. 2:13-CR-271-KJD-CWH

ORDER

Before the Court is a Motion for Hearing to Determine Mental Competency to Stand Trial and For Psychiatric Examination (#57) filed by Counsel on Defendant Strohmets's behalf. Also before the Court are two motions written and filed by Defendant, and not through counsel. The first motion (#58) seeks the appointment of new counsel. The second motion (#59) petitions for the Court to order a CAT scan on Defendant prior to sentencing. Also before the Court is a letter written by Defendant to the Court (#60).

I. Motion for Hearing to Determine Mental Competency and for Psychiatric Evaluation

The Court is authorized to hold a hearing to determine whether a defendant is competent to stand trial under 18 U.S.C. § 4241(a). The Court is further authorized to order a psychiatric examination of the defendant, along with a report from the examiner, prior to that hearing. § 4241(b). As there is reasonable cause to believe that Defendant may be mentally incompetent to stand trial, the Court **HEREBY GRANTS** the motion (#57) and **ORDERS** a psychiatric evaluation of Defendant in accordance with 18 U.S.C. § 4247(c).

1 The Court designates Norton A. Roitman, MD as examiner. The examination shall take
 2 place at Defendant's current locale, Nevada Southern Detention Center, 2190 E. Mesquite Ave,
 3 Pahrump, NV. The period of examination shall begin at the earliest convenience of Dr. Roitman,
 4 and terminate no later than Friday, August 15, 2014. The report, which will comport with 18
 5 U.S.C. § 4247(c), shall be filed by Dr. Roitman with the Court no later than 5:00 p.m. Friday
 6 August 15, 2014, with copies provided to both Defendant and the Government that same day. To
 7 be clear, Dr. Roitman will prepare the report which shall include the following:

- 8 • Defendant's history and present symptoms
- 9 • A description of the psychiatric and other medical tests that were employed and
 10 their results
- 11 • Dr. Roitman's findings
- 12 • Dr. Roitman's opinions as to diagnosis, prognosis, and whether Defendant is
 13 suffering from a mental disease or defect rendering him mentally incompetent to
 14 the extent that he is unable to understand the nature and consequences of the
 15 proceedings against him or to assist properly in his defense.

16 The competency hearing, if any, will be held on Wednesday August 20, 2014 at 9:00 a.m.
 17 in Courtroom 4B. The Court will determine whether any such hearing is necessary at Calendar
 18 Call for this matter on Tuesday August 19, 2014.

19 **II. Motions for New Counsel (#58) and CAT scan (#59)**

20 The Court typically will not address *pro se* filings where the defendant is represented by
 21 counsel. Such is the case here. However, given the unusual circumstances of this case, the Court
 22 will briefly address both motions. The motion for new counsel (#58) is **HEREBY DENIED**
 23 without prejudice pending the report of Dr. Roitman and the resolution of the competency
 24 hearing. The motion for a CAT scan (#59) is **HEREBY DENIED** without prejudice pending the
 25 report and any recommendation from Dr. Roitman. The Court wants to be quite clear: Defendant
 26 should make all future filings, including motions for new counsel, through his attorney.

